



**Delaware Thoroughbred Racing Commission
Minutes of Public Hearing and Regular Meeting
September 20, 2011**

The Delaware Thoroughbred Racing Commission held a public hearing and regular meeting on Tuesday, September 20, 2011, at 10:00 a.m., in the second floor conference room of the Horsemen's Office, located on the grounds of Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804.

The following Commission members were present:

Bernard J. Daney, Chairman
W. Duncan Patterson, Jr., Secretary/Commissioner
Debbie Killeen, Commissioner
Edward J. Stegemeier, Commissioner

The following Commission members were excused:

Henry James Decker, Commissioner

The following individuals also were present:

Ed Kee, Delaware Secretary of Agriculture
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
John F. Wayne, DTRC, Executive Director
Gerald Brady, State Representative
Ann Calligan, Wilcox & Fetzer, Court Reporter
Robert E. Colton, Delaware Jockeys Association, Director
Bessie Gruwell, DTHA Executive Director
G. Jack Houghton, Jr., DTRC, Chief State Steward
Madeline Locke, Owner/Trainer, DTHA President
John E. Mooney, Delaware Park, Executive Director of Racing
Ron Moquett, Trainer, DTHA Board Member
Nancy Myshko, Delaware Park, Senior Vice President
Shelley Perkins, DTRC, Paralegal I (recording minutes)
John T. Peters, D.V.M., DTRC, Chief Veterinarian
Kathleen Picciano, D.V.M., DTRC, Associate Veterinarian
Francis J. Swift, Jr., DTRC, Inspector
Paul Trapani, Owner/Trainer, DTHA Board Member
Michael Vild, Esq., Delaware Park, Sr. Vice President of Racing/General Counsel

1. **WELCOME AND CALL TO ORDER**

At 10:00 a.m., Chairman Daney called the meeting to order and welcomed those in attendance.

2. **APPROVAL OF MINUTES**

Upon a motion duly made (Patterson) and seconded (Killeen) minutes of August 16, 2011 were approved as submitted.

3. **OLD BUSINESS**

A. **ARCI Drug Testing Standards and Practices Committee (DTSP)**

Secretary/Commissioner Patterson reported the DTSP is scheduled for its next conference call on Monday, September 26, 2011 for a continuation of the Salix discussion along with the graded stakes committee ban of Salix in 2-year olds.

It has been reported that although 85% of horses bleed, only 20% of that 85% bleed to the extent that it compromises their health in Epistaxis, defined as acute hemorrhage from the nostril, nasal cavity or nasopharynx.

4. **NEW BUSINESS**

A. **Request for 2012 Simulcasting Days (364/leap year)**

Upon a motion duly made (Killeen) and seconded (Stegemeier) the request from Delaware Park for 364 simulcasting days during 2012 (leap year), was approved. By statute, Delaware Park will be closed on Easter Sunday and Christmas day.

5. **PUBLIC HEARING**

A. **DTRC # 15.17 Androgenic-Anabolic Steroids**

Upon a motion duly made (Patterson) and seconded (Killeen) the proposed rule change to perform equine steroid screening in plasma instead of urine was approved as submitted.

The final order will be published in the October 1, 2011 *Register of Regulations* and becomes effective ten days after publication.

DTRC # 15.17 Androgenic-Anabolic Steroids

15.17.1.1 With respect to nandrolone, boldenone, stanozolol and testosterone in fillies, mares, and geldings (testosterone and nandrolone in intact male horse samples are treated separately in 15.17.1.2):

15.17.1.1.1 Any test result at plasma concentrations below 100 picograms per milliliter will be considered a negative test.

15.17.1.1.2 Any test result at plasma concentration levels at or above 100 picograms per milliliter will be considered a positive test result.

15.17.1.2 With respect to nandrolone and testosterone levels determined in intact male horses:

15.17.1.2.1 Nandrolone

15.17.1.2.1.1 Any test result at plasma concentrations below 500 picograms per milliliter will be considered a negative test.

15.17.1.2.1.2 Any test result at and above plasma concentrations of 500 picograms per milliliter will be considered a positive test.

15.17.1.2.2 Testosterone

15.17.1.2.2.1 Any test result at plasma concentrations below 2000 picograms per milliliter will be considered a negative test.

15.17.1.2.2.2 Any test result at and above plasma concentrations of 2000 picograms per milliliter will be considered a positive test.

15.17.2 All other Androgenic - Anabolic Steroids are prohibited in racing horses.

15.17.3 Post-race samples collected from intact males shall be identified to the laboratory.

15.17.4 Any horse to which one of these Androgenic - Anabolic Steroids has been administered in order to assist in the recovery from an illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug or metabolite in ~~urine~~ plasma. After the concentration has fallen below the designated threshold for the administered Androgenic - Anabolic Steroids, the horse is eligible to be removed from the list.

6. **REPORT FROM EXECUTIVE DIRECTOR**

A. **Summary of Activities Report**

Executive Director Wayne submitted his report for activities through August 31, 2011. The following totals are year to date:

Total number of persons fingerprinted	96
Total amount of fingerprinting fees collected	\$ 6,083.00
DTRC licenses issued	5,028
Amount of fines collected	\$ 9,005.00
License fees collected	\$175,475.00

Commissioner Stegemeier inquired whether or not licenses would be near the level recorded during 2010. Mr. Wayne advised that the number may fall short of the average of 6,000 per year.

Other topics in the Summary of Activities report pertaining to investigations will be discussed at the Executive Session at the pleasure of the Commission. There were no further questions.

7. **REPORT FROM CHIEF COMMISSION VETERINARIAN**

A. **Veterinary Health Statistical Report**

Dr. Peters filed the following report ending August 31, 2011 and prepared by Dr. Picciano: 6 racing deaths – 1 torn tendon, 2 broken sesamoid, 1 condylar fracture, 1 fractured cannon bone, 1 broken pelvis. 1 training death – broke 2 sesamoid.

To date in September 2011, there have been 3 racing deaths – 1 infection in right ankle, 1 foundered left front, and 1 from anaphylactic shock.

Commissioner Patterson asked Dr. Peters if there was any pattern to the injuries sustained. Dr. Peters replied in the negative. Dr. Peters continued that a few occurred coming down the stretch. Ages: oldest 5 or 6, youngest 2 year-old. Price of horses: 2 \$5,000 claimers, 1 \$30,000 claimer, 1 \$30-\$40,000 claimer. 1 or 2 were ship-ins while the rest were stabled at Delaware Park. Dr. Peters elaborated that a pelvic fracture is rare in flat racing as opposed to steeplechase. Dr. Peters added that they are running behind in training from last year, but in essence – it's 2 or 3 extra – above the previous year – it could be because the quality of the animal is less and the treatment costs are raised off of the track. Bessie Gruwell disagreed with some of that assessment stating that a potential horse of the year was stabled at Delaware Park.

Commissioner Stegemeier thanked Dr. Peters for an excellent report and voiced concern over the injuries. Mr. Stegemeier added that we are 55% to 60% through the racing season and, at this rate, it is alarming – each category is up an alarming percentage. All of us, Mr. Stegemeier continued, jockeys, trainers, and owners, have a responsibility to protect horses and protect racing. Mr. Stegemeier concluded his remarks adding that he had spoken earlier with Mr. Fasy and with Ms. Locke and the track will be looked at again.

B. **Mosquito Control**

This year more than last we've had a problem with sentinel chickens – two positive chickens. Mr. Mooney had the grounds sprayed twice. Dr. Peters and the veterinarians highly recommend that the horse population be vaccinated against West Nile virus. There was further discussion on this matter.

C. **Shock Wave Therapy**

142 shock wave therapy treatments this year. No correlation between SWT and breakdowns spotted.

D. **Salix**

492 Certified for Salix.

8. **REPORT FROM DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION**

A. **Owner's Day – September 10, 2011**

Executive Director Gruwell reported a successful owner's day. The golf tournament was postponed due to Hurricane Irene and will be rescheduled for October 13, 2011 at White Clay Creek.

B. **Stalls & Winter Stabling**

The DTHA will not be subsidizing stalls, and availability is contracted through December 31, 2011. Stall rent is \$8/day and the DTHA was subsidizing \$3/day of that fee. Delaware Park offers a rebate with the number of starts. There is reportedly a minimum of 250 horses required for winter stabling.

C. **Contract**

The contract with Delaware Racing Association ends on December 31, 2011, and if a new contract is not reached the DTHA will continue through negotiations.

D. **Delaware Certified Thoroughbred Program (DCTP)**

On October 15, 2011, Havre de Grace Day, they will run four stakes races.

Through August 31, 2011:

Number of Starters	331	
Number of Starts	859	
1 st Place Finishes	104	
2 nd Place	123	
3 rd Place	106	
20% DCTP Earnings		\$473,564.86
20% Certifier Awards		<u>473,564.86</u>
Total Annual Awards		\$947,129.72

9. **PUBLIC COMMENT**

The Commission recognized and welcomed Secretary of Agriculture, Ed Kee along with Representative Gerard Brady. Chairman Daney called on the following attendees for public comment.

A. **John E. Mooney**

1. **Mosquito Control**

With regard to the mosquito control, Mr. Mooney received calls (from horsemen) the night New Castle County (NCC) sprayed for mosquitoes and Mr. Mooney was told by NCC that it is a very safe method and the same spraying done in neighborhoods. Very important they spray and cautioned that there has been one human case of West Nile Virus reported this year in Wilmington, Delaware.

2. **Veterinarian Scratches**

Mr. Mooney remarked that the vet scratches may be misleading – and may be based upon speed figures – Mr. Patterson was in attendance at the Jockey Club round table (in Saratoga) and the Jockey Club reported an increase in worldwide sesamoid breakdowns. After 5 years of collecting data, they still don't have an answer.

3. **Analysis of Track Purses**

Commissioners Stegemeier and Killeen requested that Mr. Mooney sit down with them for information and training on the analysis of track purses report.

9. **PUBLIC COMMENT - continued**

B. **Robert E. Colton**

Mr. Colton reported he was glad to be back from Tasmania. The next scheduled Delaware Jockey's Health & Welfare Benefit Board meeting is 9 a.m. on Tuesday, October 18, 2011 (immediately preceding the DTRC meeting).

1. **Helmets & Vests**

The jockey colony extends a thank you for financial assistance in the purchase of safety helmets and vests.

2. **Health Insurance – 2012 Fee Increase**

According to Mr. Colton, more jockeys have joined the plan. For next year (2012), Mr. Colton anticipates a double-digit increase, primarily due to a few high-profile jockey injuries that occurred nationally. DJH&WBB Chairman, Ed Stegemeier complimented Mr. Colton that the coverage is improved with more jockeys being enrolled, and at the end of the year, expenses are under budget. Commissioner remarked, "Mr. Colton has done a tremendous job."

10. **EXECUTIVE SESSION**

At 10:43 a.m., the Commission was moved into executive session to review personnel matters. Dr. Peters and Dr. Picciano were asked to stay for the discussion.

At 12:15 p.m. the Commission was returned to public session.

11. **ADJOURN**

At 12:16 p.m. the meeting was adjourned. The Commission will meet next on Tuesday, October 18, 2011 at 10:00 a.m., immediately following the 9:00 a.m. meeting of the Delaware Jockey's Health & Welfare Benefit board.